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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,714	03/21/2007	Allan J. Block	1-36885	3836
43935 7590 11/05/2008 FRASER CLEMENS MARTIN & MILLER LLC 28366 KENSINGTON LANE PERRYSBURG, OH 43551				
EXAMINER				
KANG, PAUL H				
ART UNIT		PAPER NUMBER		
2444				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/559,714

Applicant(s)

BLOCK, ALLAN J.

Examiner

Paul H. Kang

Art Unit

2444

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 12-22 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8, 10 and 12-22 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Mayle et al., US Pat. No. 6,542,936 B1.

3. As to claim 1, Mayle teaches a method for communicating with electronic postcards comprising:

- a) providing a server for processing electronic postcards (Fig. 2);
- b) selecting at least one input site remote from the server, wherein the at least one input site is at a location accessible to a plurality of senders of electronic postcards (Fig. 2);
- c) establishing a verified communication link between the at least one input site and the server (col. 5, lines 11-18; col. 7, line 60 – col. 8, line 6);
- d) providing a sender input device at the at least one input site for receiving input information associated with each of the senders including an addressee e-mail address;
- e) inputting for each sender the input information to the input device (col. 7, lines 49-58; col. 9, lines 14-23; Figs. 14, 17, 3B);
- f) generating an electronic postcard from the sender input information (Fig. 3B); and

g) transmitting the electronic postcard from the at least one input site to the server and from the server directly to the addressee e-mail address (col. 13, lines 1-21).

4. As to claim 2, Mayle teaches the method including performing said step a) by operating a web site from the server and wherein said step e) includes connecting the at least one input site to the server over the Internet (col. 4, line 61 – col. 5, line 8; col. 5, lines 11-18).

5. As to claim 3, Mayle teaches the method including performing said step b) by selecting one of a gift shop, a hotel desk, a motel front desk and a theme park as the at least one input site (intended use limitations not given patentable weight; see input sites disclosed in col. 8, lines 1-20).

6. As to claim 4, Mayle teaches the method including providing a form for recording the sender information and performing said step e) utilizing the sender information recorded on the form by the sender (col. 7, lines 49-58; col. 9, lines 14-23).

7. As to claim 5, Mayle teaches the method including performing said step e) by the sender inputting the sender input information into the input device (col. 7, lines 49-58; col. 9, lines 14-23).

8. As to claim 6, Mayle teaches the method including performing said step e) by the sender selecting a local scene from a plurality of local scenes stored in one of the at least one input device and the server (col. 8, lines 60-67; Figs. 4 and 9).

9. As to claim 7, Mayle teaches the method including affixing a verified postmark to the electronic postcard, the verified postmark being uniquely associated with the at least one input site (col. 9, lines 34-47).

10. As to claim 8, Mayle teaches a method for communicating with electronic postcards comprising:

- a) selecting at least one input site and storing a plurality of images related to the at least one input site (Fig. 2; col. 8, lines 60-67);

- b) providing a user input device at the at least one input site for receiving a postcard request from a sender, the request including a selection of at least one of the stored images, a message and an addressee address (col. 7, lines 49-58; col. 8, lines 60-67; col. 9, lines 14-23; Figs. 14, 17, 3B);

- c) generating an electronic postcard in response to the user request, the electronic postcard including the at least one stored image and the message (Fig. 3B);

- d) affixing a verified postmark to the electronic postcard, the verified postmark being uniquely associated with the at least one input site (col. 9, lines 34-47); and

- e) transmitting the electronic postcard to the addressee address (col. 13, lines 1-21).

11. As to claim 9, Mayle teaches the method including performing said step b) by selecting a gift shop as the at least one input site (col. 8, lines 1-20).
12. As to claim 10, Mayle teaches the method including performing said step b) by selecting a location that sells preprinted postcards as the at least one input site (col. 8, lines 1-20).
13. As to claim 11, Mayle teaches the method wherein the user input device includes one of a printed form and a computerized terminal (col. 8, lines 1-20).
14. As to claim 12, Mayle teaches the method including performing said step e) by transmitting the electronic postcard on the Interact (col. 13, lines 1-21; col. 7, lines 49-58).
15. As to claim 13, Mayle teaches the method including providing the sender with a printed copy of the electronic postcard (print function; Fig. 17).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 14-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayle in view of Giordano et al., US Pat. App. Pub. No. US 2006/0178986 A1.

18.

19. As to claim 14, Mayle teaches an apparatus for generating printed postcards comprising:

a) a server means located at a predetermined location (Fig. 2);

b) at least one input device located at an input site at a location remote from said server means for receiving from a sender a postcard request including an addressee address and at least one of a sender message and a scene related to a location of said input site (col. 7, lines 49-58; col. 9, lines 14-23; Figs. 14, 17, 3B); and

c) a verified communications connection for selectively connecting said input device to said server means, said input device and said server means being responsive to said postcard request for transmitting an electronic postcard including a verified postmark from said server means to the addressee, said electronic postcard including said at least one of a sender message and a scene related to a location of said input site (col. 5, lines 11-18; col. 7, line 60 – col. 8, line 6; col. 9, lines 34-47).

However, Mayle does not explicitly teach d) a payment device connected to said at least one input device for accepting at least one mode of payment from the sender. Giordano teaches a system and method for payment processing including a mode of payment (See Giordano, Summary and paragraph 0068). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the well known modes of payment as taught by Giordano into system of Mayle for the predictable result of providing methods of payment for a product or service.

20. As to claim 15, Mayle-Giordano teaches the apparatus wherein said input device includes means for inputting said message as a handwritten message of the sender (Mayle, col. 18, lines 10-29).

21. As to claim 16, Mayle-Giordano teaches the apparatus wherein said input site is a gift shop (Mayle, col. 8, lines 1-20).

22. As to claim 17, Mayle-Giordano teaches the apparatus including a plurality of images of scenes stored on at least one of said server means and said input device and wherein said input device permits selection of said scene related to a location of said input site from said plurality of images (Mayle, col. 8, lines 60-67).

23. As to claims 18-22, Mayle-Giordano teaches the apparatus wherein a payment device connected to said at least one input device for accepting at least one mode of payment form the sender, said payment device is at least one of a credit card reader, a coin and bill acceptor, a token acceptor, and a keypad for entering a payment code obtained from a separate payment device (See Giordano, Summary and paragraph 0068).

Response to Arguments

24. Applicant's arguments filed July 21, 2008 have been fully considered but they are not persuasive.

25. The applicants argued in substance that the prior art fails to teach the invention as claimed; specifically that the "input site" is a travel location, a gift shop, hotel front desk, a motel front desk and a theme park. In response to applicant's argument that the prior art fails to teach an "input site," a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case, the prior art system is capable of performing the intended use at a travel location.

26. The applicants' also argue that the prior art fails to teach that an input device includes means for inputting said message as a handwritten message of the sender, i.e. a handwriting device 23. See Remarks, page 7. The scope of the limitation as claimed in claim 15 does not require the handwriting device 23, e.g. the claim does not recite "an input means for inputting said message as a handwritten message of the sender." Contrary to applicants arguments, the claim merely requires in input device including said message as a handwritten message of the sender. A device for converting a message into handwritten form anticipates the claimed limitation.

Conclusion

27. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/
Primary Examiner
Art Unit 2144